

MAINTAIN THE SAME AS SUCH UNDER THE SUPERVISION OF THE SUPERINTENDENT OF PUBLIC WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following property situated at Ponahawai, Hilo, Island of Hawaii, is hereby declared and made free Public Recreation Ground, to-wit:

All that land at Ponahawai, Hilo, Island of Hawaii, bounded and described as follows:

Beginning at the West corner of this lot, on the new proposed eighty-foot Front Street line, adjoining Punahoa 1st boundary line; the co-ordinates of which point are 2681.76 feet North and 3966.30 feet East of Halai Trig. Sta., and running by true bearings:

1. N. 44° 55' E. 420.0 feet along Punahoa 1st to the sea;
2. Thence along the sea to Kukuau 2nd boundary line; thence
3. S. 24° 32' W. 400.0 feet along Kukuau 2nd to new line of Front Street;
4. N. 71° 49' W. 495.2 feet along new line of Front Street;
5. N. 60° 49' W. 263.7 feet along new line of Front Street;
6. N. 54° 00' W. 98.4 feet along new line of Front Street to the point of beginning, containing 7.5 acres.

SECTION 2. The Superintendent of Public Works and his successors in office are hereby authorized and directed to convert all the above property named and described in Section 1 of this Act, in said Hilo, into free and public recreation ground, and to maintain the same as such for the use and benefit of the public.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

ACT 59.

AN ACT TO REORGANIZE AND REGULATE THE MILITIA OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Militia shall consist of every able-bodied male citizen of the Territory of Hawaii, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes, the organized Militia to be known as the National Guard of Hawaii, and the remainder to be known as the Reserve Militia.

SECTION 2. The following persons are exempt from military duty and enrollment:

All persons exempted from military duty by the laws of the United States.

All judges of the several courts of the Territory of Hawaii, and the officers and members of the Territorial Legislature.

SECTION 3. The organization, equipment and discipline of the National Guard of Hawaii shall be the same as that prescribed from time to time for the Volunteer and Regular Armies of the United States.

SECTION 4. The Governor shall be the Commander-in-Chief of the Militia, and is authorized and has power to establish such rules, regulations, forms and precedents therefor as are not inconsistent with law, and to carry into full effect the provisions of the laws relative thereto. Such rules, regulations, forms and precedents shall have the force of law.

SECTION 5. The Commander-in-Chief shall have a personal staff of such officers as he may deem necessary who shall hold office at his pleasure and act as his aides-de-camp and military secretaries.

SECTION 6. Line and field officers shall be elected and commissioned in the manner now provided by law, and shall hold office for three and four years respectively, or until their successors are duly qualified. General staff officers shall be elected by the field officers, and hold a like tenure of office, with rank not above that of colonel, unless obtained through authority of the U. S. War Department.

SECTION 7. Enlistments in the National Guard of Hawaii shall be made in the same manner and form, and for the same length of time as may be provided from time to time by the laws and rules governing the Army of the United States.

SECTION 8. Such laws, rules and regulations governing the Volunteer and Regular Armies of the United States as may be designated or prescribed by the Commander-in-Chief, with such limitations as he may place thereon, together with the Act of Congress entitled "An Act to promote the efficiency of the Militia, and for other purposes," approved January 21st, 1903, the laws of the Territory of Hawaii in so far as they are applicable and not inconsistent with this Act, and such other rules and regulations as may be promulgated by order of the Commander-in-Chief, shall constitute the laws, rules and regulations for the use and government of the National Guard of Hawaii, and shall have the force of law.

SECTION 9. Every company, troop and battery of the National Guard of Hawaii not excused by the Commander-in-Chief shall participate in practice marches or go into camp of instruction at least five consecutive days, and assemble for drill and instruction at any company, battalion or regimental armories or rendezvous, or for target practice, not less than twenty-four times each year.

SECTION 10. There shall be an annual muster and inspection in the month of June of the troops and of the arms and equipments and other property, and at such other times as the Commander-in-Chief may order.

SECTION 11. In case of war, insurrection, invasion, riot or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the President of the United States or the Governor of the Territory of Hawaii, may call the Militia, or any part thereof, into active service.

SECTION 12. No person belonging to the Militia of this Territory shall be arrested under any civil process while going to, remaining at or returning from any place on or to perform military duty in pursuance of an order of the President of

the United States or the Governor of the Territory of Hawaii.

SECTION 13. Any portion of the National Guard parading or performing any duty according to law, shall have the right-of-way in any street or highway through which they may pass: Provided, the carriage of the United States mail or the legitimate functions of the police and the progress and operations of fire engines and fire departments shall not be interfered with thereby; and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby.

SECTION 14. Every commanding officer when on duty may ascertain and fix the necessary bounds and limits to his parade or encampment. Whoever intrudes within the limits of the parade or encampment, after being forbidden, or whoever shall interrupt, molest or obstruct any officer or soldier while on duty, may be put and kept under guard until the parade, encampment or duty be concluded; and the commanding officer may turn over such person to any police officer, and said police officer is required to detain him in custody for examination or trial before the police court or any other court of competent jurisdiction, and the judge thereof may punish such offense by a fine not exceeding twenty-five dollars.

SECTION 15. All commissioned officers of the National Guard of Hawaii shall have the power to administer oaths and affirmations in all matters pertaining to or concerning military service or property, but in no case shall they charge any fee therefor. Any person who shall falsely swear or affirm to any oath or affirmation so administered may be tried before any Circuit or District court, and upon conviction, shall be deemed guilty of perjury and sentenced for such offense as prescribed by law.

SECTION 16. All uniforms, arms, equipments or other property issued to the Militia shall be and remain the property of the Territory of Hawaii.

SECTION 17. Every officer commanding a company shall be charged with and responsible for the arms, accoutrements, ammunition, clothing or other military property or stores issued to or belonging to his command, and shall be accountable to the Territory for the same in case of their being lost or damaged otherwise than by unavoidable accident, or in actual service. All officers and members of the Militia having arms or other property in their possession, the property of the Territory of Hawaii, shall be accountable to the Territory in a like manner.

SECTION 18. If any person shall knowingly or willingly purchase or receive in pawn or pledge any arm, accoutrement, article of military clothing, equipment, tent or fly, or any quartermaster or ordinance stores, the property of the Territory of Hawaii, he shall be guilty of a misdemeanor, and upon being convicted thereof, in any court of competent jurisdiction, shall be sentenced to an imprisonment not exceeding one year, or a fine not exceeding three hundred dollars (\$300.00), or both such fine and imprisonment.

SECTION 19. Such officers as may be designated by the Commander-in-Chief shall execute proper bonds to the Territory in such sums as he shall prescribe.

SECTION 20. Act 8 of the Laws of the Republic of Hawaii of the Session of 1896, approved April 4th, 1896, and all other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 21. This Act shall take effect from the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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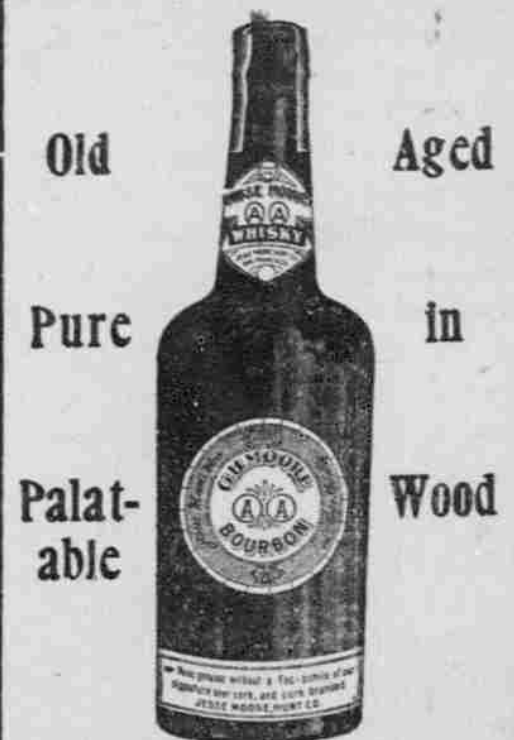
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